



Community Entitlement for SAc in EI

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Affiliated Network for Social Accountability In East Asia and the Pacific
... connecting citizens to improve governance

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Basis for Community Entitlements

A REGIONAL CASE CONFERENCE ON THE CSC:
MAINSTREAMING SAC IN EI

17-18 JULY 2012

National Laws

- 1 **Law on Commune/Sangkat Administrative Management**
- 2 **Law on Mineral and Exploration Management**
- 3 **Sub-Decree on Economic Land Concession**
- 4 **Sub-Decree on Environmental Impact Assessment Process**





1 Law on Commune/Sangkat Administrative Management

Article 23: The meeting of a Commune/Sangkat Council shall be held in public following a democratic manner.



1 Law on Commune/Sangkat Administrative Management

Article 41: A Commune/Sangkat administration shall have roles to uphold and support good governance by using all available resources to address the basic needs of its Commune/Sangkat to serve the common interests of citizens and respect the national in accordance with general policy of the State.





1 Law on Commune/Sangkat Administrative Management

Article 43: ... Protect and preserve the environment and natural resources...



2 Law on Mineral and Exploration Management

Article 7: Before entering any private owned land for the purpose of conducting exploration or mining, the holder of a license shall obtain the written agreement of the private land owner with respect to non-interference with and non-infringement upon the property and work, and compensation for inconvenience and damage to the surface of the land as a result of activities of mineral operation...



2 Law on Mineral and Exploration Management

Article 13: For certain unlicensed areas of known mineral potential, the Minister in charge of mineral resource may, by public notice, declare as an area reserved for bidding by preparing a formal negotiation and evaluation to issue an appropriate mineral license and, where required, negotiation of a supplementary mineral investment agreement as described in Article 12.



2 Law on Mineral and Exploration Management

Article 20: Provided that information related to environmental and social issues may be released to the public upon notice to the holder of such action by the Minister in charge of minerals;



3 Sub-Decree on Economic Land Concession

Article 4: ... Land for which there have been public consultations, with regard to economic land concession projects or proposals, with territorial authorities and residents of the locality



3 Sub-Decree on Economic Land Concession

Article 35: After receiving the development of detailed economic land concession project document or detailed unsolicited proposal, the Contracting Authority shall organize public consultations with territorial authorities and representatives of local residents by sending a copy of the document to each of the Commune Council(s) of the affected area for their review and recommendation within 28 (twenty-eight) working days from the date the Commune-Sangkat Council receives a copy of the detailed document for solicited economic land concession project or of the detailed unsolicited proposal. The Contracting Authority shall consider the comments of the affected commune council(s). If comments of the affected commune council(s) are rejected, specific reasons shall be given.



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Sub-Decree on Environmental Impact Assessment Process

...Encourage public participation in the implementation of EIA process and take into account of their conceptual input and suggestion for re-consideration prior to the implementation of any project.





THANKS

